REMARKS

This amendment is in response to the Office Action dated December 23, 2009. Reconsideration of the above-identified application in view of the amendments above and the following remarks is respectfully requested.

Claims 1-32, 35-42 and 48-55 are currently pending in the application. No new matter is added by the present amendments.

Claim objections

Claims 3 and 9 are objected to because of minor informalities. Applicant corrected the minor informalities according to the Examiner helpful remarks. Accordingly, the Applicant requests that these objections be withdrawn.

Rejections under 35 U.S.C. § 102(b)

Claims 1-24, 31, 35-40, and 48-54 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Weis et al. US Patent No. 6,161,126 (hereinafter: "*Weis*").

In order to clarify the scope of the claimed invention according to the differences between *Weis* and the claimed invention, Applicant has amended independent claim 1, emphasizing the distinctiveness of the claimed invention in light of *Weis*. Amended claim 1 now recites the following features:

> "A method of defining customization for electronic _visual content_ retrieved over an electronic connection, comprising:
> (a) retrieving _electronic visual content_ from a remote server to a local client, through an intermediary apparatus;
> (b) editing the _visual content_ at the local client by a user using a WYSIWYG editor, wherein said editor is a standard software used for displaying of content and wherein said editing does not require installation of software requiring user authorization _and does not change content stored in said remote server;_
> (c) automatically generating at least one customization definition based on said editing, said customization definition suitable for automatic applying to said visual content; and
> (d) modifying data provided at a later time according to the at least one customization definition, _for a presentation thereof at a plurality of local clients to a plurality of end users;_
> wherein the intermediary apparatus supports the editing of said visual content at the local client. "

One of the distinguishing features relied upon is that amended claim 1 recites using a WYSIWYG editor for customizing visual content, hosted in a remote server, for a presentation thereof at a plurality of local clients at a later time, see, *inter alia*, FIGs. 3A-4C and paragraphs [0077], [0083], and [0093] of the present application. For example, this method may allow customizing visual content to include text and pictures and presenting the customized content to a certain group of users, see paragraph [0083] of the present application. *Weis,* on the other hand, teaches a client machine that allows setting local preferences, for example allows a user to adjust a set of generic feel effects to suit his or her preferences, see column 41, lines 57-63 of *Weis. Weis* only teaches using WYSIWYG editor in the context of creating web page authoring application that includes force feedback editing functionality, see FIGs. 17a and 17b and related description of *Weis*. As such, *Weis's* WYSIWYG editor is used for locally creating a web page and not for generating customization definition(s) for a presentation thereof at a plurality of local clients at a later time, as recited in amended claim 1. As using a WYSIWYG editor for customizing a remotely stored existing web page for a plurality of end users is different from using a WYSIWYG editor for creating new webpages, this distinguishing feature is clearly not taught or implied in *Weis.*

Another distinguishing feature relied upon is that amended claim 1 recites using WYSIWYG editor for generating customizations for visual content located at a remote server without changing content stored at the remote server, such as the visual content, see FIG. 1 and related description in paragraphs [0066]-[0069] of the present application.

Weis describes systems and methods that allow users to provide force effects for web pages which are accessed by other users, see *Weis* abstract and column 30, lines 52 - through column 31, line 41 of *Weis* (these columns are referred to by the Examiner). These force effects are created as part of the creation of a certain web page and not added as a customization to a certain web page without changing it; see column 30, lines 1-67 of *Weis*. As the customization taught by *Weis* is performed locally, for the preferences of a certain user, no original copy of visual content remains unchanged in a central unit, such as a remote server. *Weis* does not teach or imply any mechanism or methodology that allows a user to customize content, stored in a remote server, before it is presented to end users at a plurality of local clients, without changing the content stored in the remote server, as explicitly recited by claim 1. Moreover, *Weis*

does not teach or imply an intermediary apparatus or any equivalent or similar device that allows maintaining the original content stored in the remote server unchanged, as recited in amended claim 1.

Moreover, *Weis's* method cannot even be adjusted to allow a user to customize visual content for other users as it only teaches using local customization mechanisms, such as ActiveX objects, see column 42, lines 15-35 of *Weis*. Such a personalized local customization actually teaches away from the claimed invention in which the customization is for a plurality of other users and not only by one user, as recited in amended claim 1.

It is known that a claim is anticipated only if <u>each and every element as set forth</u> in the claim is found, either expressly or inherently described, in a single prior art reference, See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As the aforementioned distinguishing features of amended Claim 1 are not found, either expressly or inherently, in *Weis*, it is clear that *Weis* does not anticipate amended Claim 1.

Based on the above, Applicant asserts that the amended claim 1 is an allowable main claim and that dependent claims 2-24, 31, 35-40, and 48-54 are consequently allowable as being dependent on an allowable main claim.

35 U.S.C. § 103 Rejections

The Examiner rejected 25-30 and 41-42 under 35 USC 103(a) as being unpatentable over Weis in view of Larcheveque et al (US 20090138790; hereinafter:"*Larcheveque*").As described above, Applicant asserts that amended claim 1 is allowable main claim. Thus, dependent claims 25-30 and 41-42 are consequently allowable as being dependent on an allowable main claim.

The Examiner rejected 35-42 and 48-55 under 35 USC 103(a) as being unpatentable on the same basis of rejecting claims 1-32. As described above, Applicant asserts that amended claim 1 is allowable main claim. Thus, dependent claims 35-42 and 48-54 are consequently allowable as being dependent on an allowable main claim.

Reference is now made to claim 55 rejection. Applicant believes that the Examiner erred when rejecting claim 55 based on the argument that it incorporates substantially all the limitations of claims 1-32 with minor modifications in the claimed language. Claim 55 is an independent claim that includes a combination of
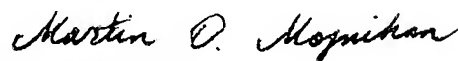
distinguishing features that is <u>not</u> described in the any of the cited references. Therefore, Applicant contends that the Examiner <u>failed to establish the factual findings required to support the conclusion that amended claim 1</u> is directed to an obvious subject matter.

Finality of the following Office Action

As stated above, the Examiner did not establish the factual findings, which are required to support the conclusion that at least some of the original claims, for example, that claim 55 would have been obvious to the skilled in the art. Therefore, any rejection that will be presented to any of the original claims in the following office action will be based on a new ground that is neither necessitated by the Applicants' amendments nor based on information submitted in an Information Disclosure Statement (IDS) filed during the period set forth in 37 C.F.R. §1.97(c) with the fee set forth in 37 C.F.R. §1.17(p). Therefore, the following Office Action cannot be a Final Office Action, see MPEP §706.07(a) Final Rejection, When Proper on Second Action [R-6] - 700 Examination of Applications.

All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that claims 1-32, 35-42 and 48-55, which are pending in the application, are allowable over the cited references. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

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Date: April 22, 2010

<u>Enclosures:</u>
- Petition for Extension of Time (One Month)